

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>				1. CONTRACT ID CODE <b>J</b>		PAGE OF PAGES <b>1   25</b>	
2. AMENDMENT/MODIFICATION NO. <b>0007</b>		3. EFFECTIVE DATE <b>03-Feb-2005</b>		4. REQUISITION/PURCHASE REQ. NO. W16ROE-4302-4908		5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN:CENAN-CT ROOM 1843 26 FEDERAL PLAZA NEW YORK NY 10278		CODE <b>W912DS</b>		7. ADMINISTERED BY (If other than item 6)  <b>See Item 6</b>		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X		9A. AMENDMENT OF SOLICITATION NO. W912DS-05-B-0002	
				X		9B. DATED (SEE ITEM 11) 22-Nov-2004	
						10A. MOD. OF CONTRACT/ORDER NO.	
						10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE					
<b>11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS</b>							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>  2  </u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
<b>13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS.</b> <b>IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.</b>							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) As prescribed IAW FAR 14.404-1(f), this IFB solicitation is hereby canceled, and shall be converted to an negotiated procurement, IAW FAR Part 15. The following terms and conditions, sections and requirements are incorporated herein:  1. All responsible bidders who submitted a bid, subject to the IFB solicitation shall be permitted to participate in providing a proposal, subject to the requirements incorporated;  2. Section(s) 00110 and 00120 is incorporated herein;  3. The proposal due date and time for this solicitation shall now be 10 February 2005, at 1400 hours local time;  4. All plans and specifications previously issued, via solicitation and ancilliary amendments attached shall be incorporated into the RFP herein;  (SEE SF30 Continuation Page for additional information and Section 00100 for instructions) Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR  _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA  BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED  03-Feb-2005	

## SECTION SF 30 BLOCK 14 CONTINUATION PAGE

**SUMMARY OF CHANGES**

## SECTION SF 30 - BLOCK 14 CONTINUATION PAGE

The following have been added by full text:

**AMENDMENT 0007**

This IFB solicitation is hereby canceled and converted to a negotiated procurement and shall be evaluated and awarded IAW FAR 15.101-2 Lowest price technically acceptable source selection process. The proposals will be evaluated on the basis of the technical qualifications, subcontracting plan and price. The evaluation process essentially consists of five parts: proposal compliance review, technical evaluation, price evaluation, Source Selection Evaluation Board conference and final determination by the Source Selection Authority (SSA) of the best overall value to the Government. Award will be made to the Offeror who submits a technically acceptable proposal with the lowest price. To be considered acceptable, Offerors shall specifically address each of the evaluation factors set forth in the solicitation. The technical evaluation factors for this solicitation will include and Offeror's past relevant experience and performance. The price evaluation factor will include the Offeror's completed price schedule. Price will not be scored, but will be evaluated for realism and reasonableness through the use of a price analysis. **OFFERORS ARE TO BE ADVISED THAT AN AWARD MAY BE MADE WITHOUT DISCUSSION OR ANY CONTACT CONCERNING THE PROPOSALS RECEIVED.** However, the Government also reserves the right to enter into discussions if deemed necessary. If discussions are conducted, the Offerors will be afforded the opportunity to submit a revised proposal. All proposals shall be evaluated, and an award shall be made IAW Section 00120 - Proposal Evaluation And Contract Award, attached herein.

THIS AMENDMENT SHALL BE ATTACHED TO THE SPECIFICATIONS AND SHALL BE A PART THEREOF.

**NOTE: OFFERORS MUST ACKNOWLEDGE RECEIPT OF THIS AMENDMENT BY THE DATE SPECIFIED IN THE SOLICITATION (OR AS AMENDED) BY ONE OF THE FOLLOWING METHODS: IN THE SPACE PROVIDED ON THE SF1442, BY SEPARATE LETTER, OR BY TELEGRAM, OR BY SIGNING BLOCK 15 BELOW. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BIDS OR LATE WITHDRAWAL OF BIDS (FAR14.304).**

SECTION 0010 (REVISED) V

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001	BASE BID FFP All work for the FY05 Military Entrance Processing Station (MEPS) as described in the plans and specifications, including all plant, labor and materials, complete excluding Items Nos. 2 and 3 below and all options. PURCHASE REQUEST NUMBER: W16ROE-4302-4908	1	Lump Sum		

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0002	SITE WORK FFP All work outside the five-foot line of the building perimeter, inclusive of demolition (As defined by the Civil (C-series) drawings, drawings AD-101 and AD-102 and the specifications, including seeding of entire site).	1	Lump Sum		

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0003	FINAL RECORD DRAWING SUBMISSION FFP All work for the Final Record Drawing Submission (See paragraph 10.i of Section 00800).	1	Lump Sum		

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NET AMT

FOB: Destination

**TOTAL BASE PROPOSAL PRICE (CLIN 0001- CLIN 0003): \$** 

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ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004 OPTION	OPTIONAL BID ITEM No. 1 FFP Provide brick and masonry building sign as shown on drawing A-704, Elevations & Detail B, C & 2, in lieu of the sign shown on drawing A-704, Elevation & Detail A & 1.	1	Lump Sum		

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005 OPTION	OPTIONAL BID ITEM No. 2 FFP Parking area, east of MEPS; Resurfacing and striping of parking area directly behind (east of) the MEPS.	1	Lump Sum		

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006		1	Lump Sum		
OPTION	OPTIONAL BID ITEM No. 3 FFP Sidewalk connecting MEPS with Gymnasium (Bldg 855) parking area (approx. 85 linear feet of 4' wide sidewalk) and parking lot lighting, as described in Electrical Site Plan Key Note 5.a of drawing E-01.				

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0007		1	Lump Sum		
OPTION	OPTIONAL BID ITEM No. 4 FFP Provide all landscaping (including sod), in lieu of seeding (includes reduction of seeding in base bid price), and irrigation as shown on drawing C-6, and/or described in the specifications.				

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008		1	Lump Sum		
OPTION	OPTIONAL BID ITEM No. 5 FFP Two Computer Workstations (CPU, Monitor, keyboard, mouse, and compatible software, etc.) as described in section 15951 of the Specifications.				

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0009 OPTION	OPTIONAL BID ITEM No. 6 FFP Under-floor, radiant heating for the Male and Female Ortho rooms, as shown on drawings M-101 and M-505, and described in the Specifications.	1	Lump Sum		

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0010 OPTION	OPTIONAL BID ITEM No. 7 FFP Four Accent Canopies, suspended in lobby, as shown in Section B "along Y- Axis" on drawing A-300.	1	Lump Sum		

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NET AMT

FOB: Destination

**TOTAL OPTION PROPOSAL PRICE (CLIN 0004- CLIN 0010):**  
\$ \_\_\_\_\_

**TOTAL PROPOSAL PRICE (CLIN 0001 – CLIN 0010):** \$ \_\_\_\_\_

**NOTES:**

1. The low offeror for purposes of award will be the conforming responsible offeror offering the lowest amount for the Base Bid Item plus all Optional Bid Items.
2. The minimum construction award will be the amount offered for the Base Bid Items.
3. Offerors are required to bid on the Base Bid and all Optional Bid Items or their offers will be rejected.

4. Offerors are reminded that they must bid on the issued plans and specifications as amended via amendments 0001 through 0006 of the IFB solicitation. Any deviations, conditions or attachments made by the offeror himself thereto may render the bid non-responsive and be cause for its rejection.
5. Option CLIN(s) 0004, 0005, 0006, and 0007: At any time prior to 180 calendar days after award of the contract, the Government at its option, may direct the Contractor, by written order, to perform the work and/or services provided under these Options.
6. Option CLIN(s) 0008 and 0010: At any time prior to 300 calendar days after award of the contract, the Government at its option, may direct the Contractor, by written order to perform the work and/or services provided under these Options.
7. Option CLIN 0009: At any time prior to 90 calendar days after award of the contract, the Government at its option, may direct the Contractor, by written order to perform the work and/or services provided under Option #6.
8. Award of any or all of the Optional Bid items will not extend or reduce the contract duration indicated in Paragraph 1 of Section 00800 or elsewhere in the contract documents.

**SECTION 00010 - SOLICITATION CONTRACT FORM**

The required response date/time has changed from 06-Jan-2005 02:00 PM to 10-Feb-2005 02:00 PM.

**SECTION 00100 - BIDDING SCHEDULE/INSTRUCTIONS TO BIDDERS**

The following have been added by reference:

52.215-1                      Instructions to Offerors--Competitive Acquisition                      JAN 2004

The following have been added by full text:

**DOCUMENT SUBMITTAL INSTRUCTION**

1. All offerors are required to resubmit newly signed 1442 for their respective proposals (technical and price). A new bid schedule is provided for new proposed prices to be submitted. In addition, new Bid Bonds signed and affixed with the appropriate prime offeror's name and firm shall be required.
2. All other submittals hereof, shall be provided IAW with attached Section 00110 - Submission Requirements And Instruction.
3. Any established teaming agreements must be submitted with the proposal. All teaming agreements submitted shall be current, reviewed and approved by the Small Business Administration;
4. IAW 13 CFR Subpart 126.700, the following shall be applicable:
  - (a) A qualified HUBZone SBC receiving a HUBZone contract for general construction must perform at least 50% of the contract either itself, or through subcontracts with other qualified HUBZone SBCs. A contracting officer may waive this requirement for a particular procurement after determining that at least two qualified HUBZone SBCs can not meet the requirement. Where a waiver is granted, the qualified HUBZone SBC must meet the performance of work requirements set forth in §125.6(b) of this chapter.
  - (b) A qualified HUBZone SBC receiving a HUBZone contract for specialty construction must perform at least 50% of the contract either itself, or through subcontracts with other qualified HUBZone SBCs. A contracting officer may waive this requirement for a particular procurement after determining that it can not be met. Where a waiver is granted, the qualified HUBZone SBC must meet the performance of work requirements set forth in §125.6(b) of this chapter.
  - (c) A prime contractor receiving an award as a qualified HUBZone SBC must meet the performance of work requirements set forth in §125.6(b) of this chapter.



SECTION 00110**SECTION 00110****SUBMISSION REQUIREMENTS AND INSTRUCTIONS****1.0 NOTICE TO OFFERORS****1.1 Acquisition:**

This Request for Proposal is for the construction of the Military Processing Station, Army Reserves Station at Niagara Falls, New York. The method of acquisition for this procurement is Best Value, Lowest Priced- Technically Acceptable, in accordance with Federal Acquisition Regulation (FAR) Subpart 15.101-2. This project is being solicited as a HUBzone set-aside. The resultant contract will be firm-fixed price.

- 1.2 Who May Submit: Limited to the HUBzone firms that submitted an original bid on this solicitation. All Offerors must be CCR (Central Contractor Registry) registered prior to the offer due date.

**2.0 PROPOSAL REQUIREMENTS AND SUBMISSION:**

- 2.1 In order to effectively and equitably evaluate all proposals, the Contracting Officer must receive information sufficiently detailed to clearly address submission requirements as outlined below.
- 2.2 The proposals sought by this solicitation shall be contained in two separate volumes.

Volume I – Technical Proposal

Volume II – Price Proposal

Volume I – Technical Proposal shall consist of the Past Performance questionnaires and the Past Experience information.

**Volume II – Price Proposal shall include all pertinent financial documentation, in this**

**volume, consisting of Representations and Certifications, Bonds, Standard Form**

**1442, the proposal bid schedule, Form F, and any other financial statements.**

**Do not submit any materials not required by this solicitation (such as company brochures, or catalogue cuts not specifically requested).**

- 2.3 Where To Submit: Offerors shall submit their proposal packages to the Corps of Engineers at the address shown in Block 8 of Standard Form 1442.
- 2.4 Submission Deadline: Corps of Engineers must receive your proposal no later than the time and date specified in Block 13 of Standard Form 1442.

2.5 Incurring Costs: The Government is not liable for any costs incurred by the Offeror submitting an offer in response to this solicitation.

2.6 Format Requirements:

All proposals shall contain the evaluation requirements stated herein. All proposals shall contain the volume number and the name, address and telephone number of the Prime Contractor or Team Associations on the cover. The original proposal must be clearly marked as "ORIGINAL" and the original signatures must be in blue ink. Copies of the proposals must be clearly marked as COPY x of y (i.e. COPY 1 of 4) Proposal clarity and material organization in each volume are mandatory. No material shall be incorporated by reference.

**Volume I shall be submitted in one folder or binder with dividers separating the different clients/projects. Volume II shall be submitted in a separate folder or binder and labeled clearly as being the Price Proposal. The proposal shall address and contain the information listed below. The information will be used by the Source Selection Board to evaluate and rate each proposal. Offerors are advised that conciseness and relevance of the proposal is important and unrelated information that is not pertinent may reduce evaluation scores. Proposals that provide only superficial coverage of the information required below may not receive additional consideration and may be excluded from the competitive range. Additionally, should the proposal include any standard company terms and conditions that conflict with the terms and conditions of the solicitation, the proposal may be determined to be "unacceptable" and thus ineligible for award.**

3.0 **VOLUME I – TECHNICAL PROPOSAL** - Past Performance Questionnaires /Past Experience References

**The technical proposal portion shall be submitted in one binder or folder. Submit one original package of the combined questionnaires/past experience references and four (4) copies of the entire submittal.**

3.1 Introductions:

The introduction portion of the proposal shall not be evaluated. The introduction shall include the following:

- 1) Name and address of organization(s).
- 2) Location of the principal office.
- 3) The type of organization (corporation, partnership, joint venture, team association).
- 4) The number of years the Offeror's organization has been in business.
- 5) The number of years the Offeror's organization has been in business under its present business name.

- 6) Other or former names the Offeror's organization operated under, and during which calendar years the organization operated under these other or former names.

**3.1.1. If a Corporation, please provide the date of incorporation, state of incorporation, names and addresses of principal offices of the corporation, and state if the corporation is publicly held.**

**3.1.2 If a Partnership, provide the date of organization, the type of partnership (general or limited), and names and addresses of all partners.**

3.1.3 If a Team Association, provide the Team Agreement with the submittal and information for each element of the Team Association as may be appropriate.

- 3.2 Offerors are required to provide a Past Performance questionnaire to their previous Clients for their Client's input on their firm's and/or that of any past Team Association or Sub-contractors Past Performance. Offerors shall submit Past Performance questionnaires on at least 1 but not more than 3 recent and relevant projects. Recent meaning project(s) constructed within the past 7 years and relevant projects meaning projects of similar scope in constructing reinforced concrete foundations, erecting structural steel enclosures; constructing general building systems including fire protection systems and experience in successfully managing a multi-trade construction project.

Your past Clients must be instructed to fax or send their completed questionnaires directly to the Corps of Engineers, Contract Specialist, at the designated date and time identified in the contract solicitation. Additionally, for the Source Selection Board's tracking purposes, each Offeror shall provide, with their price offer but labeled separately "*Past Performance Information*", the same Forms sent to past Clients with only the past Project Name and Location filled out as well as the Past Client's Name, Title and Phone Number.

The Government believes that an Offeror's Past Performance and the degree to which an Offeror satisfied their customer in the past is a good predictor of future performance. The Government will evaluate the quality and relevance of each Offeror's (and/or Teams or sub-contractors) submitted Past Performance and Past Experience on projects within the last seven years, which were similar in scope to this project. Relevant projects are those that are comparable in scope to this project.

Offerors are encouraged to provide the following information in addition to the requirements listed in the ***Past Performance*** sheet: (1) Copies of any interim or final performance ratings;(2) Copies of letters of commendation from the Client/Agency of the projects submitted; and (3) Copies of letters relating to contract compliance or non-compliance from the Client/Agency of the projects submitted.

- 3.3 Proposals will be evaluated based on the factors of Past Performance and Past Experience of the Prime Contractor, and/or that of any past Team Associations or Sub-contractors.

**FACTOR 1: PAST EXPERIENCE**

Relevant experience shall be submitted using the Project Experience Form provided at the end of this Section. The form should be reproduced for each project submitted. Additional lines may be added if required. If project is currently under construction, annotate percent of completion on the form. Information provided on Project Experience Form, will be evaluated for this Factor 1, and will also be used to support the evaluation of Factor 2, Past Performance. Offerors are invited, but not required, to submit photographs of especially successful projects in conjunction with this requirement. Note: It is not necessary to submit more than one Project Experience Form for projects that are the same for two or more of the following categories:

**OFFEROR (PRIME CONTRACTOR) OR TEAM PARTNERSHIP:** Provide, using the Project Experience Form, a minimum of 1 and no more than 3 examples of projects within the recent past (7 years) that are similar to this project in scope. Provide an explanation of how these projects are similar in scope to the work required in this request for proposal. If there has been previous team experience between the Offeror / Team, include that information in your proposal.

The form includes the following:

- a. Company/firm name
- b. Project name
- c. Project location
- d. Project size (square footage)
- e. Project relevance
- f. Role (i.e. prime, team association, sub-contractor) and work company/firm self-performed
- g. Project award amount & completion amount
- h. Client/Agency and point of contact, phone number, and address for information on the role the Offeror had in the project

**FACTOR 2: PAST PERFORMANCE**

**This Factor will contain the Offeror's Past Performance information. The Government believes that an Offeror's past performance and the degree to which an Offeror satisfied their customers in the past is a good predictor of future performance. The Government will evaluate the quality and relevance of each Offeror's / Team's past performance(s) on recent projects that were similar in scope to this project.**

**For the purposes of Factor 2, each Offeror must provide fully completed "Past Performance" sheet Blank forms will be included in this request. Offerors must provide a "Past Performance" sheet for all relevant construction projects, that the Offeror started, completed or was awarded within the 7 years Relevant projects are those that are comparable in scope or indicate a contractor's ability to successfully manage a multi-trade project.**

**Offerors are encouraged to provide the following information in addition to the requirements listed in the Past Performance sheet: (1) Copies of any interim or final performance ratings;(2) Copies of letters of commendation from the Client/Agency of the projects submitted; and (3) Copies of letters relating to contract compliance or non-compliance from the Client/Agency of the projects submitted.**

**In addition to the information listed above, Offerors are encouraged to provide any supplementary information to assist the Government in developing confidence in their ability to successfully complete this project on the basis of their prior performance. If the Offeror is a team association or sub-contractor, the performance of each member will be considered in evaluating the Offeror's past performance. The persons listed as points of contact or other representatives of their organizations, as well as other sources, may be contacted by the Government during the evaluation process. The Government may contact the Offeror's customers to ask, among other things, whether or not they believe:**

- (1) That the Offeror's performance conformed to the terms and conditions of its contract;**
- (2) That the Offeror was reasonable and cooperative during performance;**
- (3) That the Offeror completed the project(s) in a timely manner or is making timely progress on on-going projects(s);**
- (4) That the Offeror was capable, efficient and effective, especially in managing subcontractors;**
- (5) That the Offeror was committed to customer satisfaction and provided a quality product;**

**(6) That the Offeror negotiated fairly and in good faith.**

**(7) That the Offeror had a good safety record**

#### **4.0 VOLUME II – PRICE PROPOSAL**

**4.1** Submit this information in a separate binder or folder, labeled clearly, "Volume II - Price Proposal." Provide one original and four copies.

**4.2** Criteria for this evaluation factor includes the price offer. The Source Selection Board does not evaluate this volume; the Price Committee reviews it. Additionally, submit other pertinent financial documentation, in this volume, consisting of Representations and Certifications, Bonds, Standard Form 1442, the proposal bid schedule, Form F, and any other financial statements.

**RELEVANT PROJECT INFORMATION SHEET**

Provide a completed form for each project for which experience is being claimed

Company/Firm Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Location: \_\_\_\_\_

Project Size: \_\_\_\_\_

Was Project a firm-fixed-price contract (Y/N)? \_\_\_\_ If No, what type was it?

Role: Firm's role on this project as reported on this Project Experience form: [ ] prime contractor; or [ ] subcontractor; or [ ] team partnering

Brief Description of Project (Include, as applicable, how project is similar in scope to the work required in this proposal)

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Contract Amount: \_\_\_\_\_

**Original Contract Completion Date:** \_\_\_\_\_

Final Contract Completion Date: \_\_\_\_\_

Actual Completion Date: \_\_\_\_\_

Percent of Completion (if project is currently under construction) \_\_\_\_\_

Was the project terminated early or were cure/show cause letters received? \_\_\_\_ Yes \_\_\_\_ No

Explain early termination (default/convenience) or cure/show cause letters

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Safety record: \_\_\_\_ Injuries with Lost Workdays\*, \_\_\_\_ Injuries without Lost Workdays\*

(\*Use the number reported on OSHA Form No. 200 or equivalent)

List and explain any customer concerns or dissatisfaction. Explain how you responded.

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Client/Agency Point of Contact, name, address, fax and telephone number (if Government, give contract number and name of Contracting Officer)

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Comment If Previous Partnering With Each Other

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**PAST PERFORMANCE CUSTOMER QUESTIONNAIRE:**

The Offeror(s) listed is being considered in a Source Selection by the US Army Corps of Engineers, New York District. This is a request for past performance information on a project the Offeror has identified as being relevant to this solicitation. This information will be used in the evaluation of the Offeror's performance of that project. The following information, once submitted, will be treated as confidential and will not be released. This information will only be used to evaluate this Offeror for this solicitation. Please complete the attached questionnaire utilizing the following guidance:

- a. *Handwritten responses are sufficient*
- b. *Circle a rating as listed below and provide a brief supporting narrative for your area of administrative responsibility. In the event of any unsatisfactory performance, please describe the cause and corrective actions, and any other pertinent information relative to the contractor's inadequate performance*
- c. *The assessment questions contained in this questionnaire shall be rated pursuant to the following definitions:*

***Exceptional (E) – Indicates the contractor's performance exceeded the contractual Requirements***

**Satisfactory (S) – Indicates there were no major problems that were not quickly and**  
***effectively solved by the contractor, and the contractor was meeting all contractual requirements.***

***Marginal (M) – Indicates the area of evaluation contained major problems that were not effectively solved by the contractor. The contractor met basic contract requirements with assistance from the customer. Please include any written documentation supporting this rating***

***Unsatisfactory (U) – Indicates a serious problem existed on the part of the contractor that precluded the contractor from meeting the contractual requirement(s). Please include any written documentation supporting this rating.***

***N/A – Not applicable or observed***

- d. *Please return the completed forms to the US Army Corps of Engineers, New York District at the following address:*

U.S. Army Corps Of Engineers, New York District  
Contracting Division, Attn: Edward Lew

**Jacob K. Javits Federal Building**  
**26 Federal Plaza**

New York, N.Y. 10278-0090

Ph: (212) 264-0154 FAX: (212) 264-3013

**PAST PERFORMANCE CUSTOMER QUESTIONNAIRE**

PROJECT: W912DS-05-B-002 – Construction of the Military Entrance Processing Station, Niagara Falls, NY

The U.S. Army Corps of Engineers, New York District, is interested in your assessment of the named company's "past performance". Past performance refers to the company's record of conforming to contract requirements and to standards of good workmanship; the company's record of forecasting and controlling costs; the company's adherence to contract schedules including the administrative aspects of performance; the company's history of reasonable and cooperative behavior and commitment to customer satisfaction; and the company's general business-like concern for the interest of the customer. These questions relate to the work performed by

Contractor under review: (Insert Company Name)

Name and Location of Project:

**COMPANY UNDER REVIEW:**

\_\_\_\_\_  
(INSERT COMPANY NAME HERE)

**A. RESPONDENT IDENTIFICATION**

NAME \_\_\_\_\_ DATE \_\_\_\_\_

COMPANY/ORGANIZATION \_\_\_\_\_

POSITION/JOB TITLE \_\_\_\_\_

TELEPHONE \_\_\_\_\_ FAX# \_\_\_\_\_

**Questionnaire:**

1. Is the information provided by the contractor on the attached Project Fact Sheet accurate and correct to the best of your knowledge?

Yes ( ) No ( )

2. What type of work did the contractor perform?

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3. How would you rate the contractor's overall performance?

**E S M U N/A**

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4. How effective and cooperative was the contractor's management?

**E S M U N/A**

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5. How would you rate the contractor's quality of work and Quality Control Program; was any significant rework required?

**E S M U N/A**

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6. How effective was the contractor in meeting completion requirements?

**E S M U N/A**

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7. Were services performed in an efficient and timely manner? Did the firm comply with schedules of completion?

**E S M U N/A**

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8. Was the contractor able to solve contract performance problems without excessive guidance from government/client counterparts?

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9. Please circle the statement that best describes your feelings with regard the contractor:

- a. They are an outstanding contractor in every respect. Problems were solved in a spirit of teamwork. Quality work, timely actions, and complete documentation were routinely achieved. We would pay a premium price to contract with them again.
  - b. They are an above average contractor to whom we would not hesitate to award to again. Problems encountered were minor and solutions were found with little difficulty.
  - c. They were an average contractor who met the minimum requirements of the contract. Performance deficiencies improved when identified by the government. An aggressive inspection program was required to ensure compliance.
  - d. They were a below average contractor. Numerous problems developed that were a result of their lack of cooperation and failure to perform as required.
  - e. They were a poor contractor who we would not want again under any circumstances. We would have been within our rights to terminate them for default.
  - f. None of the above. Please provide your statement.
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- 

10. Has the contractor been given any of the following (or anything of a similar nature)?

CURE NOTICE Yes\_\_\_\_No\_\_\_\_

SHOW CAUSE NOTICE Yes\_\_\_\_No\_\_\_\_

TERMINATION FOR DEFAULT Yes\_\_\_\_No\_\_\_\_

11. Additional comments. If there are any other comments, information, etc. that you would like to add to the survey that does not fall into any of the above categories, please indicate below:

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**THANK YOU FOR THE COMPLETION OF THE SURVEY**

SECTION 00120**SECTION 00120****PROPOSAL EVALUATION AND CONTRACT AWARD****1.0 TECHNICAL/QUALITY EVALUATION AND GENERAL RATING SYSTEM****1.1 Summary**

1.1.1 Quality Evaluation and Rating System: The Government will perform an in-depth review of the proposals, The Source Selection Board will rate each evaluation factor for each proposal against the specified evaluation criteria in the Request for Proposal. The evaluation committee will not compare proposals against each other.

1.1.2 The evaluation process is: the proposal compliance review, the technical review (past performance/past experience questionnaires requested), and price evaluation. The decision shall be made on the basis of an assessment of the evaluation results as a whole, in accordance with the Request for Proposal requirements. Scores shall be established as the result of a consensus of the evaluators after duly considering and documenting any minority opinion.

1.1.2.1 Proposal Compliance Review – This is an initial check by Contracting Division on the basis of solicitation requirements. This review may eliminate those proposals, which fail to provide all required information and documents in the format and detail specified. This review is to ensure that all required forms and certifications are complete.

1.1.2.2 Technical review – The Government will evaluate the past experience project sheets and past performance questionnaires against the requirements included in the proposal.

1.1.2.3 Price Evaluation – The Government will evaluate price independently from the proposal compliance review. Price will not be rated, but will be evaluated for fairness and reasonableness through the use of a price analysis. The price evaluators will also check for appearance of unbalancing of bids. Offerors are cautioned to include costs in the appropriate bid items, and to evenly distribute indirect costs, such as job overhead, home office overhead, bond, etc. to the appropriate bid items.

**1.2 Definitions**

1.2.1 A weakness is a flaw in the proposal that increases the risk of unsuccessful contract performance.

1.2.2 A "significant weakness" in the proposal is a flaw that appreciably increases the risk of unsuccessful contract performance.

1.2.3 A deficiency is a material failure of a proposal to meet a Government requirement or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level.

1.2.4 A deviation occurs when a proposal takes exception to, implies, or specifically offers something below or above the specified criteria. The Offeror may or may not have called the deviation to the attention of the Government. A deviation that is below, or does not meet, the specified criteria is a deficiency. Evaluators must identify deviations.

1.2.5 Clarification is a limited exchange with an Offeror for the sole purpose of eliminating minor irregularities, informalities, or apparent clerical mistakes in the proposal or to address adverse past performance not previously addressed with Offeror. Clarifications do not give an Offeror the opportunity to revise or modify its proposal and are used, as necessary, when not opening discussions.

1.2.6 Communications are a limited exchange with an Offeror used to assist in determination of the competitive range. Communications are limited to enhancing Government understanding of proposals and addressing adverse past performance information not previously addressed if said information is the determining factor preventing an Offeror from being included in the competitive range. Such communications shall not be used to cure proposal deficiencies or material omissions, or otherwise revise the proposal.

1.2.7 Discussions offer the opportunity to resolve deficiencies or weaknesses in the proposals, based on the requirement and the evaluation factors set forth in the solicitation. If the Source Selection Evaluation Board (SSEB) determines it is necessary to open discussions, they must discuss with all Offerors in the competitive range. Offerors have the opportunity to revise their proposals at the conclusion of discussions.

### 1.3 Quality Evaluation and Rating System

1.3.1 The Evaluation Committee will perform a review of the proposals. The Evaluation Committee will rate each evaluation factor for each proposal against the specified evaluation criteria in the Request For Proposal. The evaluation committee shall not compare proposals against each other.

1.3.2 The technical evaluation factors are listed below. The technical evaluation factors will be rated in accordance with the score sheet prepared by the Chairperson of the Source Selection Evaluation Board. The Offerors shall submit, with their proposal, sufficient material to permit evaluation of the following criteria.

1. Factor 1- Past Experience of Offeror – The Offeror shall demonstrate past experience by providing recent and relevant construction experience.
2. Factor 2- Past Performance – Client/Agency surveys. The Offeror shall demonstrate at a minimum satisfactory performance and evaluation information, including timely completion of punchlist and warranty work, for the projects submitted. In case of an Offeror without a record of relevant past performance or for whom information on past performance is not available, the Offeror may not be evaluated by this factor (factor will be excluded).

1.3.3 Rating Guidelines. The Evaluation Committee will rate applicable evaluation factors utilizing the banding method that follows:

- a. Green - Acceptable. The past performance satisfies the standards, Past Performance questionnaires in relevant projects, with similar scope were received; all ratings were satisfactory or better.

b. Yellow - Marginal/Neutral. Reasons for a Yellow rating may be as follows:

- (1) a minimum requirement of 1 project was not submitted
- (2) an overall rating may be satisfactory, however, past Client may have a negative comment
- (3) project relevancy may be questionable
- (3) No Past Performance questionnaires were received

c. Red - Unacceptable. Fails to meet stated criteria.

- (1) questionnaires indicate poor performance or negative comments
- (2) projects referred to are not relevant

**Note:** Offeror(s) receiving a “Red” score will be determined “Unacceptable and not considered for award.

**Note:** If an Offeror(s) is not submitting Past Performance questionnaires, the Offeror(s) is required to submit a statement stating that the firm has no past performance on similar relevant projects.

## 2.0 Award of Contract

**The responsive and responsible Offeror with the lowest price that has been rated technically acceptable shall be awarded the contract.**

**To be rated technically acceptable an offeror may receive a green or yellow for any of the factors. A score of “Red” will be determined “Unacceptable” and not considered for award.**

**Price will be evaluated for adequacy and reasonableness.**

**The Government reserves the right to award to the responsive, responsible Offeror without discussions if the Contracting Officer so determines.**

- 2.1 The Government will award a firm fixed price contract to the responsible Offeror whose proposal represents the lowest price and who has no “Unacceptable” (Red) ratings in any factors.
- 2.2 Offerors are reminded to include their best technical and price terms in their initial offer and not to automatically assume that they will have an opportunity to participate in discussions or be asked to submit a revised offer. The Government may make award of an acceptable proposal without discussions, if deemed to be within the best interests of the Government. The Government intends to award a contract, subject to the availability of funds, without discussions with Offerors, however, the Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary.

-- End of Section --



The following have been deleted:

52.214-3	Amendments To Invitations For Bids	DEC 1989
52.214-4	False Statements In Bids	APR 1984
52.214-5	Submission Of Bids	MAR 1997
52.214-6	Explanation To Prospective Bidders	APR 1984
52.214-7	Late Submissions, Modifications, and Withdrawals of Bids	NOV 1999
52.214-10	Contract Award--Sealed Bidding	JUL 1990
52.214-12	Preparation Of Bids	APR 1984
52.214-18	Preparation of Bids-Construction	APR 1984

#### SECTION 00700 - CONTRACT CLAUSES

The following have been added by reference:

52.215-11	Price Reduction for Defective Cost or Pricing Data-- Modifications	OCT 1997
52.215-13	Subcontractor Cost or Pricing Data--Modifications	OCT 1997

(End of Summary of Changes)